



**U.S. Department of Justice
Federal Bureau of Prisons**

*Central Office
320 First St., NW
Washington, DC 20534*

August 30, 2021

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

BOP Administrative Appeal, Remand Number:
OIP Appeal Number: DOJ-AP-
Original BOP Request Number: 2020-04408

Dear Mr. Evers:

This letter is in response to the Office of Information Policy's (OIP) decision to remand your initial Freedom of Information Act (FOIA) request referenced above. This case has been reopened and remanded for a search for responsive records. In summary, you requested records reflecting any screening or testing for potential coronavirus infection of federal officers or agents dispatched to assist local authorities (including guidance regarding screening or testing for potential coronavirus infection of aforementioned federal officers or agents) in responding to protests or purportedly unlawful activity following the May 25, 2020 police killing of George Floyd, including but not limited to in the national capital region.

In response to your original request, staff located 2 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined 1 page is appropriate for release in full and 1 page is appropriate for release in part. Copies of releasable records are attached.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted under the following exemptions: (b)(6) and (b)(7)(C). An explanation of FOIA exemptions is enclosed.

If you have questions about this response please feel free to contact the undersigned, this office, or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. Eugene Baime at 202-616-7750, 320 First Street NW, Suite 936, Washington, DC 20534, or ogc_efoia@bop.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information, Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-

741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G St., NW, Washington, DC 20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at:

<https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



S. Raymond, for
Eugene E. Baime, Supervisory Attorney

Explanation of FOIA Exemptions

5 U.S.C. § 552(b)(1) protects classified information.

5 U.S.C. § 552(b)(2) concerns matters related solely to internal agency personnel rules or practices.

5 U.S.C. § 552(b)(3) concerns matters specifically exempted from release by statute.

5 U.S.C. § 552(b)(4) concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

5 U.S.C. § 552(b)(5) concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, and/or the attorney-client privilege.

5 U.S.C. § 552(b)(6) concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(A) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

5 U.S.C. § 552(b)(7)(B) concerns records or information compiled for law enforcement purposes the release of which would deprive a person of a right to a fair trial or an impartial adjudication.

5 U.S.C. § 552(b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

5 U.S.C. § 552(b)(7)(D) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

5 U.S.C. § 552(b)(7)(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

5 U.S.C. § 552(b)(7)(F) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

5 U.S.C. § 552(b)(8) concerns matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

5 U.S.C. § 552(b)(9) concerns geological and geophysical information and data, including maps, concerning wells.

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Date: 9/1/2020 3:03 PM
Subject: Re: Action Needed: FOIA #2020-05832
CC: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C),

As for the last bullet, testing, HSD did sponsor testing for the teams upon demobilization. It was a voluntary effort, no staff were mandated to be tested. The results are as follows:

Totals for staff not assigned to Central Office:

Encounters with staff = 667

Refusals to test = 556

Tested staff = 111

Acceptance rate = 16.6%

CO Staff Voluntarily Tested who were part of the coordination of the teams and response = 27

All tests were negative, zero position cases.

Staff were also provided a memo from the Occupational Health and Safety Branch indicating that the staff involved should be given priority to test within their local communities upon return to their home duty locations given their potential exposure to COVID 19 while in DC.

Thanks again,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Health Services Administrator

Central Office

Federal Bureau of Prisons

320 First Street, NW

Washington, D.C. 20534

Ph: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)

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>>> (b) (6), (b) (7)(C) 9/1/2020 2:54 PM >>>

(b) (6), (b) (7)(C)

APPENDIX W. CRITICAL INFRASTRUCTURE MEMO TO LOCAL DOH FOR EMPLOYEE TESTING



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

DATE: _____

MEMORANDUM FOR HEALTH DEPARTMENT

FROM: CAPT Sylvie I. Cohen, MD, MPH, FACOEM
Chief Occupational Safety & Health Branch
Health Services Division

SUBJECT: Staff identified as close contact of COVID-19 positive individual

Please note that _____ is an employee of the Federal Bureau of Prisons and as such works in a Critical Infrastructure Industry as defined by the Department of Homeland Security. Our employees have a special responsibility to maintain a normal work schedule as they are critical in maintaining safety within the Federal Bureau of Prisons and the community, and are unable to quarantine for 14 days.

This individual may have close contact with a confirmed or suspected COVID-19 case, as defined by the Center for Disease Control and Prevention (CDC)* and will require testing.

This necessary priority testing is critical in preventing further transmission within the prison and also in the community.

Therefore, we appreciate your cooperation with this request in considering this employee for **priority COVID-19 testing**.

* <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>